

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**FILED**

Omid Aghazadeh,

Defendant,

v.

Mark Aussieker,

Plaintiff.

APR 18 2025  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY CLERK

Case No. 2:25-cv-00888 TLN AC (PS)

## MOTION TO QUASH SERVICE OF PROCESS

COMES NOW Defendant, Omid Aghazadeh, appearing pro se, and respectfully moves this Court to quash the purported service of process filed by Plaintiff in this action. The purported service is defective and invalid under Rule 4 of the Federal Rules of Civil Procedure and applicable California law. In support of this motion, Defendant states as follows:

### FACTUAL BACKGROUND

1. On March 29, 2025, a process server left a packet of legal documents on the doorstep of Defendant's former residence during a move.
2. The process server did not see, identify, or speak with Defendant. No direct communication or identification occurred.
3. The documents were left without any attempt to confirm Defendant's identity or ensure proper delivery under the requirements of personal or substitute service.

### ARGUMENT

4. Rule 4(e) of the Federal Rules of Civil Procedure requires that service be made by either: (A) delivering a copy of the summons and complaint to the individual personally; (B) leaving copies at the individual's dwelling with someone of suitable age and discretion who resides there, followed by mailing a copy; or (C) following state law for serving a summons in an action brought in courts of general jurisdiction.
5. Under California law (Code Civ. Proc. § 415.20), substitute service requires (a) multiple

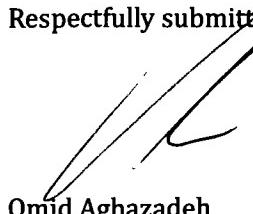
prior attempts to personally serve the individual, and (b) delivery to a competent adult at the residence, followed by mailing a copy to the same address.

6. Plaintiff has failed to meet the requirements of either personal or substitute service. Leaving documents on a doorstep without contact, identity confirmation, or mailing does not constitute valid service.

### **CONCLUSION**

WHEREFORE, Defendant respectfully requests that this Court quash the attempted service of process as invalid and defective, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,



Omid Aghazadeh  
Pro Se Defendant  
Date: April 17, 2025

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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v.

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
MOTION TO QUASH SERVICE**

Defendant Omid Aghazadeh submits this Memorandum of Points and Authorities in support of his Motion to Quash Service of Process pursuant to Rule 4 of the Federal Rules of Civil Procedure and California Code of Civil Procedure § 415.20.

**LEGAL STANDARD**

Federal Rule of Civil Procedure 4(e) allows service of process upon an individual by: (1) delivering a copy of the summons and complaint to the individual personally; (2) leaving copies at the individual's dwelling with someone of suitable age and discretion who resides there, followed by mailing a copy; or (3) following state law procedures.

**ARGUMENT**

Service upon the Defendant in this case does not meet the requirements of either personal or substitute service under California law. California Code of Civil Procedure § 415.20 requires that substitute service be made only after several attempts at personal service and that documents be left with a competent adult at the residence, followed by a mailing. The process server in this case did not speak to or identify the Defendant and did not leave the documents with a person or conduct any proper mailing.

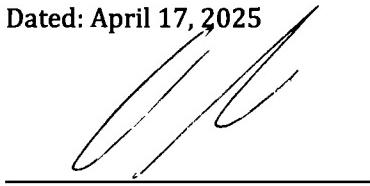
In *Evart v. Superior Court*, 89 Cal.App.3d 795 (1979), the court held that simply leaving documents at a residence without verifying identity or making sufficient attempts at personal service was insufficient. Likewise, in *Khourie, Crew & Jaeger v. Sabek, Inc.*, 220 Cal.App.3d 1009 (1990), the court emphasized the importance of actual delivery to a suitable individual and proper follow-up by mail.

The facts in this case mirror these precedents. The server did not make multiple diligent attempts, failed to identify the individual served, and failed to mail the documents after delivery. As such, service must be deemed defective and quashed.

### **CONCLUSION**

For the foregoing reasons and based on established law, Defendant respectfully requests that the Court grant the Motion to Quash Service of Process.

Dated: April 17, 2025



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Omid Aghazadeh  
Pro Se Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Omid Aghazadeh,

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v.

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Case No. 2:25-cv-00888 TLN AC

**DECLARATION OF OMID AGHAZADEH IN SUPPORT OF MOTION TO  
QUASH SERVICE**

I, Omid Aghazadeh, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the named Defendant in this matter and I make this declaration in support of my Motion to Quash Service of Process.
2. On March 29, 2025, I was not present at the residence where service is claimed to have occurred. I had already moved out and no longer resided at that location.
3. According to the proof of service, an individual left legal documents at the front door of the property at approximately 9:44 AM.
4. I did not interact with, speak to, or confirm my identity to the individual who left the documents. At no point did I refuse service. I was not present at the residence.
5. The physical description listed on the proof of service affidavit does not match me. I am 42 years old, appear younger than my age, and I do wear glasses outdoors. I was not wearing a blue baseball cap, nor was I in a position to be seen or identified from within or around the property at that time.
6. The server's identification appears speculative and not based on any direct contact or

verified information.

7. The documents were left at the door without personal service, without any communication, and without being delivered to or left with any individual known to me or residing at the property. Furthermore, no prior diligent attempts were made to effect personal service, as required for substitute service under California law.

8. To the best of my knowledge, no follow-up mailing of the documents occurred.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the date below in Los Angeles, California.

Dated: April 17, 2025



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Omid Aghazadeh

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Omid Aghazadeh,

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v.

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Plaintiff.

Case No. 2:25-cv-00888 TLN AC

**NOTICE OF PRO SE FILING AND SERVICE INFORMATION**

Defendant Omid Aghazadeh, appearing pro se, hereby submits the following contact and service information in compliance with the Federal Rules of Civil Procedure and the local rules of the U.S. District Court for the Eastern District of California.

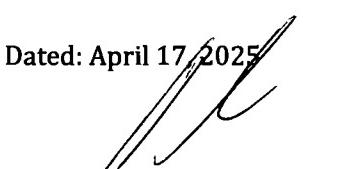
**Defendant's Contact and Service Address**

Omid Aghazadeh  
Pro Se Defendant  
9250 Reseda Blvd, Unit 10049  
Northridge, CA 91324

**Purpose of Filing**

This filing accompanies Defendant's Motion to Quash Service of Process and Declaration in Support thereof. Defendant respectfully requests that all future communications, notices, and filings be directed to the above address while proceeding pro se.

Dated: April 17, 2025

  
\_\_\_\_\_  
Omid Aghazadeh

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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**PROOF OF SERVICE**

I, Omid Aghazadeh, am the pro se defendant in the matter of Aussieker v. Aghazadeh, Case No. 2:25-cv-00888 TLN AC, filed in the United States District Court for the Eastern District of California.

On April 17, 2025, I served the following documents via email, pursuant to Federal Rule of Civil Procedure 5(b)(2)(E), to the email addresses listed below::

1. Motion to Quash Service of Process
2. Memorandum in Support of Motion to Quash
3. Declaration of Omid Aghazadeh in Support of Motion to Quash
4. Notice of Pro Se Filing and Service

Served via email on:

Dana J. Oliver - dana@danaoliverlaw.com

Andrew R. Perrong - a@perronglaw.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 17, 2025.



Omid Aghazadeh

## COURT FILING COVER SHEET

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TO: Clerk of Court  
U.S. District Court - Eastern District of California  
501 I Street, Room 4-200  
Sacramento, CA 95814  
ATTN: Pro Se Filing - Case No. 2:25-cv-00888 TLN AC

FROM: Omid Aghazadeh  
Pro Se Defendant  
9250 Reseda Blvd Unit 10049  
Northridge, CA 91324  
(407) 504-2171

### **RE: Submission of Motion to Quash Service of Process**

Dear Clerk of Court,

Enclosed please find the following documents submitted by the pro se defendant in the above-captioned matter:

1. Motion to Quash Service of Process
2. Memorandum in Support of Motion to Quash
3. Declaration of Omid Aghazadeh
4. Notice of Pro Se Filing and Service
5. Proof of Service

These documents are submitted for filing with the court in accordance with Local Rules.  
Please docket accordingly and forward to the assigned judge for review.

Thank you for your time and assistance.

Sincerely,



Omid Aghazadeh